IN RE: PETITION FOR ZONING VARIANCE N/S Ohio Avenue, 135' W of the * ZONING COMMISSIONER C/L of Washington Street (2922 Ohio Avenue) * OF BALTIMORE COUNTY 13th Election District 1st Councilmanic District * Case No. 89-435-A Donald J. Fleming Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioner herein requests a variance to permit an accessory building (garage) to be 5 feet from the centerline of an alley in lieu of the minimum required 15 feet, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and ter ified. There were no Protestants. Testimony indicated that the subject property, known as 2922 Ohio Avenue and also known as Lots 116 and 117 of Baltimore Highlands, consists of 6,250 sq.ft. zoned D.R. 5.5 and is improved with a two story single family dwelling. Petitioner proposes constructing a 24' x 24' storage building near the rear property line which abuts an unimproved alley. Testimony indicated that the alley has been closed to access by the use of many neighboring properties and fencing evidenced by pictures submitted as Petitioner's Exhibit 2. The existing storage shed as shown in the first photograp's on Petitioner's Exhibit 2 will be removed and the proposed accessory structure will be constructed in its place. Petitioner intends to use the building for storage space and not as a garage as that term is commonly used in the residential garage definition found in the B.C.Z.R. There will be no access to this building for automobiles and/or trucks. The proposed structure will not normally be used to house a motor vehicle.

According to the testimony provided by the Petitioner, if the 15-foot setback requirement is maintained, the area to the rear of the proposed building would be virtually unusable and would provide little mesthetic value or practical use to the surrounding community or this Petitioner. Mr. Fleming testified as to the requirements of Section 307.1 of the B.C.Z.R. and indicated that in his opinion the location of the proposed accessory structure 5 feet from the centerline of the alley way would not be detrimental to the health, safety or general welfare of the

Based upon the t stimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____day of May, 1989 that the Petition for Zoning "ariance to permit an accessory structure (garage) to be located 5 feet from the centerline of an alley in lieu of the minimum required of 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Fatitioner may apply for his building permit and be granted same upon receipt of this Order; howev

er, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall not allow or cause the accessory structure (garage) to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities. Further, the proposed structure shall not be improved with water or sewer connections.

3) The proposed accessory structure is limited to the size and dimensions as depicted in Petitioner's Exhibit 1. Further, said structure is limited to a height of 15 feet in accordance with Section 400.3 of the B.C.Z.R.

4) Upon quest and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

> Zoning Commissioner for Baltimore County

Date: 4-10-89

Dennis F. Rasmussen

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

May 11, 1989

Mr. Donald J. Fleming 2922 Ohio Avenue Baltimore, Maryland 21227

Case No. 89-435-A

RE: PETITION FOR ZONING VARIANCE N/S Ohio Avenue, 135' W of the c/l of Washington Street (2922 Ohio Avenue) 13th Election District - 1st Councilmanic District Donald J. Fleming - Petitioner

Dear Mr. Fleming:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> ROBERT HAINES Zoning Commissioner for Baltimore County

Dennis F. Rasmussen

JRH:bjs

cc: People's Counsel

PETITON FOR ZONING VALANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400,2 To sllow an accessory building

in liou of the minimum of 15 ft. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

_igaregel_to_be_cotback_5_ft__from_the_centerline_of_an_alley____

1. GASOLINE STORAGE FOR LAWN MOWER TOO CLOSE TO HOUSE 2. RELOCATION OF UNDERGROUD ELECTRICAL CABLE & EX PENSE 3. REMOVAL OF GREEN MAPLE SHADE TREE

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: DONALD J FLEMING (Type or Print Name) (Type or Print Name)). <u>13</u> Address DATE 1/201 1000 F Attorney for Petitioner (Type or Print Name) 5 23 520 City and State Name, address and phone number of legal owner, con-TIONALD I FLEMING 2922 OHIO AUE 789-2675

County, on the ______ day of ______ day of ______

Zoning Commissioner of Baltimore County.

I/We do solemnly declare and affirm,

under the penalties of perjury, that I/we

BEGINNING ON THE NORTH SIDE OF OHIO AVENUE SO FEET WIDE, AT THE DISTANCE OF 135 FEET WEST OF THE CENTER LINE OF WASHINGTON STREET. BEING LOTS 116 & 117, BLOCK E, IN THE SUBDIVISION OF BALTI-MORE HIGH LANDS. BOOK NO. 2 FOLIO 379. ALSO KNOWN AS 2922 OHIO AVENUE IN THE 13TH. ELECTION DIS-TRICT.

> 89-435-4 CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Date of Posting April 10, 1999 Location of property: N.S. Ohis Cherue, 135' W c/a Washington Street Location of Signs: In Secret of 2922 Ofic arme Date of return: April 14, 1989 Number of Signs:

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

Mr. Donald J. Fleming 2922 Ohio Avenue

Baltimore, Maryland 21227 Petition for Zoning Variance CASE NUMBER: 89- 435-A NS Ohio Avenue, 135' W c/l Washington Street 2922 Ohio Avenue

13th Election District - 1st Councilmanic Petitioner(s): Donald J. Fleming HEARING SCHEDULED: THURSDAY, MAY 4, 1989 at 2:00 p. m.

Please be advised that 79.31 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office - Bildies Room III Towson, Maryland 21204 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION post set(s), there MISCELLANEOUS CASH RECEIPT each set not PROMITE Donala - Lerrang 5)4/8 Leavin B B115 *** ** * 7531: a 564.F VALIDATION OR SIGNATURE OF CASHIEF

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the process. the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of public hearing on the property identified herein in Room 106 of the County Office Building, to cated at 111 W. Chesapeake Av-enue in Towson, Maryland 21204 the County Office Building, lo-cated at 111 W. Chesapeake Av-enue in Towson, Maryland 21204 Petition for Zoning Variance Case mimber: 89-435-A NW Ohio Avenue, 135' W c/ Washington Street 2922 Ohio Avenue 13th Election Distr 1st Councilmanic

Variance: to allow an accessory building (garage) to be setback 5 fl. from the centerline of an allow in liquid the minimum of the set of the s in alley in lieu of the minimum 15 In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain

any request for a stay of the is-

suance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Zoning Commissioner of Baltimore County A/J/4/013 Apr. 5.

J. ROBERT HAINES

Petitioner(s):
Donald J. Fleming
Hearing Date: Thursday,
May 4, 1989 at 2:00 p.m. Variance: to allow an ac-In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the

NOTICE OF HEARIN

The Zoning Commissioner

Case number: 89-435-A NW Ohio Avenue, 135' W c/l

13th Election Distric

IS IS TO CERTIFY, that the annexed advertisement of was inserted in the following: X THE JEFFERSONIAN ☐ Booster Weekiy Arbutus Times Owings Mills Flier

Reporter Weekly

date of the hearing set above or weekly newspapers published in Baltimore County, Maryland presented at the hearing. once a week for__ _successive weeks before Zoning Commissioner of the _____day of ____ Battimore County say, the same was inserted in the issues of

PATUXENT

Columbia, MD 21044

☐ Towson Flier

PATUXENT PUBLISHING COMPANY

167 M27132 ES UB9-435-A price \$ 64.31

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

NOTICE OF HEARING

March 20, 1989

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the Cour Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland is follows:

Petition for Zoning Variance CASE NUMBER: 89-435-A NS Ohio Avenue, 135' W c/l Washington Street 2922 Ohio Avenue 13th Election District - 1st Councilmanic Petitioner(s): Donald J. Fleming HEARING SCHEDULED: THURSDAY, MAY 4, 1989 at 2:00 p. m.

Variance to allow an accessory building (garage) to be setback 5 ft. from the centerline of an alley in lieu of the minimum 15 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. Poly of Mairea

Zoning Commissioner of Baltimore County

PETITIONER(S) EXHIBIT ()



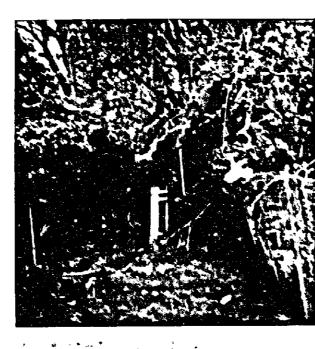
GARAGE ON PROPERTY LINE



GREEN MAPLE

11/23 0/10

5 FEET BETWEEN FENCES



Dennis F. Rasmussen

OHIO AUENUE __ SUBSECT PROPERTY UPINITY MAP 12'R/W N54'30'W-50 (10' Alley (unimproved) 116 AUD117 o Brick. O Time DWG #2922 125.00 to the edge of-Waynington Gr (15'n 554'30'E-60.00 OHIO AUENUE (50'R/W. 20' MACADAM)

PLAT FOR ZONING VARIANCE OWNER - DONALD I FLEMING DISTRICT-13, ZONED DR 5.5. JUBDIVISION - BALTIMORE HIGHLANDS LOTS 116 & 117 BLK. E. BOCK.NO. 2 FOLIO 379 EXISTING UTILITIES IN OHIO AUE,

SCALE : 1"= 30'

LOTS SIZE: 6,250 SQ. FT. . 143 ACRES,

OWNERS WILL TAKE FULL RESPONSIBILITY AS TO THE INFORMATION PROVIDED ON SAID PLOT PREPARED BY BALTO, CO. Donald Thomas 3/16/89

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 17, 1989

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204 Mr. Donald J. Fleming 2922 Ohio Avenue 000

" MEMBERS

Department of

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Industrial

Development

Zoning Administration

State Roads Commissio

Burcau of

Baltimore, MD 21227 RE: Item No. 347, Case No. 89-435-A Petitioner: Donald J. Fleming Petition for Zoning Variance

Dear Mr. Fleming:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVEANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Enclosures

Very truly yours, Chairman Zoning Plans Advisory Committee

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: Donald J. Fleming Location: N Side of Ohio Avenue

Item No.: 347

Zoning Agenda: February 28, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(x) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Catt I settlelly 3-1744 APPROVED: APPROVED: Fire Prevention Bureau

Special Inspection Division

INTER-OFFICE CORRESPONDENCE

DATE: April 21, 1989 TO: J. Robert Haines Zoning Commissioner

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMENTS

Case No. 89-435-A Item No. 347

Re: Donald J. Fleming

The Petitioner requests a variance to allow an accessory structure (garage) to be located 5 feet from the center line of an alley in lieu of the required 15 feet. In reference to this request, this office offers no comment.

A:5489.txt pg.3

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this

Received by: Chairman, Zoning Plans Advisory Committee

John Reisinger Permits & Licenses

Petitioner's

John L. Lewis J. J. Zoning Office

SUBJECT: Zoning Case #89-435-A

This correspondence is in reference to the Order in Zoning Case #89-435-A which granted relief from a setback requirement listed under S.400.2, B.C.Z.R., permitting an accessory building (garage) to be set back 5 feet from the centerline of an alley in lieu of the minimum of 15 feet.

I discussed this situation with J. Robert Haines, Baltimore County Zoning Commissioner, who states the fact that this situation, which created a 0-foot lot line setback condition, was shown on the petitioner's exhibit and the Order as granted has the force and effect of a 0-foot line line variance.

JLL:scj

August 14, 1989